

maximum economic recovery of the Federal coal. Comments received at this hearing and during the Draft EIS comment period will be available to the public for review in an appendix to the Final EIS. The BLM responses to substantive comments will also be available in the Final EIS.

The Black Thunder Mine, Jacobs Ranch Mine, and North Antelope Rochelle Mine are operating under approved mining permits from the WDEQ Land Quality and Air Quality Divisions.

If the tracts are leased to existing mines, the new leases must be incorporated into the existing mining and reclamation plans for those mines. Before the Federal coal in each tract can be mined, the Secretary of the Interior must approve the revised Mineral Leasing Act (MLA) mining plan for the mine in which each tract will be included. The OSM is the Federal agency that is responsible for recommending approval, approval with conditions, or disapproval of the revised MLA mining plan to the Office of the Secretary of the Interior.

The Final EIS analyzes and discloses to the public the direct, indirect, and cumulative environmental impacts associated with leasing six Federal coal tracts in the Wyoming portion of the Powder River Basin. A copy of the Final EIS has been sent to affected Federal, State, and local government agencies; persons and entities identified as potentially being affected by a decision to lease the Federal coal in each of the tracts; and persons who indicated to the BLM that they wished to receive a copy of the Final EIS.

The Final EIS analyzes leasing the six Wright Area coal tracts as the Proposed Action. Under the Proposed Action, competitive sales would be held and leases issued for Federal coal contained in each of the tracts as applied for by each of the applicants. As part of the coal leasing process, the BLM is evaluating adding additional Federal coal to the tracts to avoid bypassing coal or to prompt competitive interest in unleased Federal coal in the area. The alternate tract configurations for each of the LBAs that the BLM is evaluating are described and analyzed as separate alternatives in the Final EIS. Under these alternatives, competitive sales would be held and leases would be issued for Federal coal lands included in tracts modified by the BLM. The Final EIS also analyzes the alternative of rejecting the application(s) to lease Federal coal as the No Action Alternative. The Proposed Action and alternatives for each of the LBAs being considered in the Final EIS are in

conformance with the approved Resource Management Plan for Public Lands Administered by the Bureau of Land Management Buffalo Field Office (2001) and the USDA-Forest Service Land and Resource Management Plan for the Thunder Basin National Grassland (2002). A separate Record of Decision (ROD) will be prepared for each of the tracts after the close of the 30-day review period for the Final EIS. Comments received on the Final EIS will be considered during preparation of the ROD.

Requests to be included on the mailing list for this project and requests for copies of the Final EIS may be sent in writing, by facsimile, or electronically to the addresses previously stated at the beginning of this notice. The BLM asks that those submitting comments on the Final EIS make them as specific as possible with reference to page numbers and sections of the document. Comments that contain only opinions or preferences will not receive a formal response; however, they will be considered as part of the BLM decision-making process.

Please note that comments and information submitted including names, street addresses, and e-mail addresses of respondents will be available for public review and disclosure at the above address during regular business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except holidays.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Larry Claypool,

Acting State Director.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWYP00000-L13200000-EL0000; WYW161248]

Notice of Availability of the Record of Decision for the Environmental Impact Statement for the South Gillette Area Belle Ayr North Coal Lease-by-Application, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, the Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD) for the Belle Ayr North Coal Lease-by-Application (LBA) included in the South Gillette Area Coal Lease Applications Environmental Impact Statement (EIS).

ADDRESSES: The document is available electronically on the following Web site: <http://www.blm.gov/wy/st/en/info/NEPA/HighPlains/SouthGillette.html>. Paper copies of the ROD are also available at the following BLM office locations:

- Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming; and
- Bureau of Land Management, Wyoming High Plains District Office, 2987 Prospector Drive, Casper, Wyoming.

FOR FURTHER INFORMATION CONTACT: Mr. Tyson Sackett, Acting Wyoming Coal Coordinator, at 307-775-6487, or Ms. Mavis Love, Land Law Examiner, at 307-775-6258. Both Mr. Sackett and Ms. Love are located at the BLM Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009.

SUPPLEMENTARY INFORMATION: The ROD covered by this Notice of Availability (NOA) is for the Belle Ayr North Coal Tract and addresses leasing Federal coal in Campbell County, Wyoming, administered by the BLM Wyoming High Plains District Office. The BLM approves Alternative 2, which is the preferred alternative of the South Gillette Area Coal Lease Applications EIS. Under Alternative 2, the Belle Ayr North Coal LBA area, as modified by the BLM, includes 1,671.03 acres, more or less, and contains an estimated 221.7 million tons of mineable coal. The BLM will announce a competitive coal lease sale in the **Federal Register** at a later date. The Environmental Protection

Agency published a **Federal Register** notice announcing the Final EIS was publicly available on August 17, 2009 (74 FR 41431).

This decision is subject to appeal to the Interior Board of Land Appeals (IBLA), as provided in 43 CFR part 4, within thirty (30) days from the date of publication of this NOA in the **Federal Register**. The ROD contains instructions for filing an appeal with the IBLA.

Donald A. Simpson,
State Director.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR932000-L1610000-DF0000-
LXSS062H0000; HAG 10-0177]

Notice of Availability of the Final Environmental Impact Statement for Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (EIS) for Vegetation Treatments Using Herbicides on Bureau of Land Management lands in Oregon and by this notice is announcing its availability. The EIS proposes to increase the number of herbicides currently in use on BLM-managed lands in Oregon and increase the number of objectives for which they can be used.

DATES: The BLM anticipates signing a Record of Decision within 30 to 90 days of publication of the Final EIS. There will be a 30-day appeal period following issuance of the Record of Decision (ROD) before the decision can take effect. The availability of the ROD will be announced via a subsequent **Federal Register** notice. Information about the appeal period will be included in the ROD.

FOR FURTHER INFORMATION CONTACT: For further information contact Todd Thompson, EIS Project Manager, telephone (503) 808-6326; address Bureau of Land Management—OR932, P.O. Box 2965, Portland, Oregon 97208; e-mail orvegtreatments@blm.gov.

Copies of the Vegetation Treatments Final EIS are available at the following Web site: <http://www.blm.gov/or/plans/>

vegtreatmentseis/. Copies have been sent to libraries and BLM district offices throughout Oregon. Copies have also been sent to affected Federal, State, tribal, and local government agencies, to persons who have asked to be on the project mailing list, and to everyone who submitted comments on the Draft EIS. Requests to receive printed or Compact Disk copies of the Final EIS should be sent to one of the addresses listed above.

SUPPLEMENTARY INFORMATION: The Draft EIS for Vegetation Treatments Using Herbicides on BLM Lands in Oregon was released for public comment in October 2009. Approximately 1,050 comments were received on the Draft EIS and the ideas presented in these comments were used to improve the analysis presented in the Final EIS. The Proposed Action, Alternative 4, would allow for the use of 16 herbicides east of the Cascades and 13 herbicides west of the Cascades to control noxious and invasive weeds; treat vegetation along roads, rights-of-way, and BLM improvements; and conduct certain habitat improvement projects. The Oregon BLM currently utilizes four herbicides and uses them only for the treatment of noxious weeds.

In 1984, the BLM was prohibited from using herbicides in Oregon by a U.S. District Court injunction issued in *Northwest Coalition for Alternatives to Pesticides, et al. v. Block, et al.*, (Civ. No. 82-6273-E). Following completion of an EIS examining the use of four herbicides for the treatment of noxious weeds only, the injunction was modified by the court in November 1987, (Civ. No. 82-6272-BU). For the subsequent 23 years, the BLM in Oregon has limited its herbicide use to the four herbicides analyzed and limited the use of those four herbicides to the control and eradication of Federal, State, or county listed noxious weeds. In that time, new herbicides have become available that can be used in smaller doses, are more target-specific, and are lower risk to people and other non-target organisms. In 2007, the BLM Washington Office Rangeland Resources Division completed the Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States Programmatic EIS and related ROD (Programmatic EIS), making 18 herbicides available for a full range of vegetation treatments in 17 western states, including Oregon. Oregon cannot fully implement that decision, however, until and unless the 1984 District Court injunction is lifted. The Final EIS being released today, Vegetation Treatments Using Herbicides on BLM Lands in

Oregon, tiers to the Programmatic EIS, incorporates standard operating procedures for the use of herbicides, provides additional detailed analysis regarding the potential for human and environmental risks generated in support of the Programmatic EIS and addresses the concerns raised in the 1984 District Court injunction.

This Final EIS addresses all 15.7 million acres of BLM lands in Oregon and all 18 herbicides approved for use by the 2007 ROD for the Programmatic EIS, which are being used in the other 16 western states. The Final EIS analyzes a “no action” and three action alternatives which were shaped in part by the comments received during 12 public scoping meetings held throughout Oregon in July 2008. A “no herbicides” reference analysis is also included. The alternatives address eight “Purposes” or issues also identified during scoping.

The Final EIS analysis indicates that by using standard operating procedures identified in applicable BLM manuals and policy direction, along with Programmatic EIS-adopted mitigation measures, human and environmental risk from the use of herbicides is both minimized and reduced from current levels. The proposed action would also slow the spread of noxious weeds on BLM lands by about 50 percent and result in an estimated 2.2 million fewer infested acres in 15 years than under current program capabilities. The Final EIS and forthcoming ROD do not authorize any specific herbicide treatment projects. Site-specific projects will be subject to additional NEPA analysis.

Consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service is being conducted to ensure continued applicability of informal consultation and the Biological Opinion issued on the Programmatic EIS by those two agencies respectively.

The responsible official for the EIS is the BLM Oregon and Washington State Director.

Edward W. Shepard,
State Director, Oregon/Washington.

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